

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE  
2004 JUN 16 P 4:15

KENNETH EUGENE BARRON, )  
Plaintiff, )  
v. ) Civil Action No. 04CV40023RCL  
UNITED STATES OF AMERICA, )  
Defendant. )

**OPPOSITION OF THE UNITED STATES TO PLAINTIFF'S PARTIAL MOTION FOR  
SUMMARY JUDGMENT**  
**and**  
**THE UNITED STATES' CROSS MOTION FOR SUMMARY JUDGMENT PURSUANT  
TO FED. R. CIV. P. 56(c)**

The defendant, United States of America, hereby opposes Plaintiff's partial motion for summary judgment, and cross moves for summary judgment, pursuant to Fed. R. Civ. P. 56(c).

Respectfully submitted,

Defendant, United States of America,  
By its attorney,

MICHAEL J. SULLIVAN  
United States Attorney

Gina Y. Walcott-Torres

By: Gina Y. Walcott-Torres  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3369

Dated: June 16, 2004

**CERTIFICATE OF SERVICE**

This is to certify that I have this 16<sup>th</sup> day of June 2004, served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Kenneth Eugene Barron (Prison #30255-037), *pro se*, FMC Devens, P.O. Box 879, Ayer, MA 01432

  
\_\_\_\_\_  
Gina Y. Walcott-Torres  
Assistant United States Attorney

**REQUEST FOR WAIVER OF LOCAL RULE 7.1(A)(2) CERTIFICATION**

The undersigned counsel hereby requests a waiver of the requirements of Local Rule 7.1(A)(2). As reasons therefore, she asserts that the plaintiff, who is acting *pro se*, is incarcerated at the Federal Medical Center in Devens, Massachusetts.

  
\_\_\_\_\_  
Gina Y. Walcott-Torres  
Assistant United States Attorney

**BR** BROWN  
**BT** RUDNICK  
BERLACK  
ISRAELS LLP

ELIZABETH A. RITVO  
COUNSELLOR-AT-LAW

Direct Line (617)856-8249  
E-Mail ERITVO@BRFG.COM

FILED  
IN CLERKS OFFICE

2004 JUN 16 P 1:38

June 16, 2004

U.S. DISTRICT COURT  
DISTRICT OF MASS.

BY HAND

Lisa Hourihan, Clerk  
United States District Court  
for the District of Massachusetts  
Suite 2300  
1 Courthouse Way  
Boston, MA 02210

Re: Mark Adams, Sr. and Mark Adams, Jr., PPA Heather Adams  
Vs. Fox Sports Networks and FoxSports.Com  
Civil Action No. 01-10523-RCL

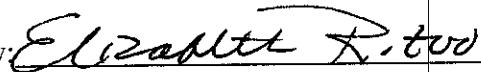
Dear Ms. Hourihan:

Judge Lindsay's order of June 15, 2002 indicated that you would be scheduling a hearing on the defendants' Motion for a New Trial. I wanted to let you know that I will be away from July 1 through July 23, 2004. I would hope that the Court could consider this when setting a date for the hearing.

Thank you.

Very truly yours,

**BROWN RUDNICK BERLACK ISRAELS**  
LLP

By:   
Elizabeth A. Ritvo

ER/ff

cc: John E. Sutherland, Esq.

#1283055 v\1 - ritvoea - \$0f01!.doc - 21278/1

One Financial Center  
Boston, Massachusetts 02111  
617.856.8200  
fax 617.856.8201  
www.brownrudnick.com

Dublin | Hartford | London | New York | Providence